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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,180	03/04/2002	A. Chet McQuaide	010415	4756

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EXAMINER

LIU, I JUNG

ART UNIT PAPER NUMBER

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/090,180

Applicant(s)

MCQUAIDE ET AL.

Examiner

Marissa Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/04/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 10, 11, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Frisk, US Patent No.: 6,430,406 B1 (PTO-892 form A).

3. As per claim 1, A credit alert system, comprising:

an account server for receiving an alert regarding at least one of available credit and credit status for a credit account (see abstract, column 3, lines 16-25 and Figs. 3-10);

an account database in communication with the server for storing information assigned to the account (see column 1, lines 5-7 and column 3, lines 16-25);

an application module in communication with the account server for receiving credit alerts for preparing a message to communicate to a wireless device (see abstract and Figs. 3-10).

4. As per claim 2, Frisk teaches the system of claim 1 described above. Frisk further teaches wherein the wireless device is Wireless Application Protocol (WAP) enabled (see column 3, lines 60-64).

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5. As per claim 3, Frisk teaches the system of claim 2 described above. Frisk further teaches wherein the message is communicated to the wireless device via a gateway in communication with the account server and the wireless device (see column 3, lines 35-47).

6. As per claim 6, Frisk teaches the system of claim 1 described above. Frisk further teaches where the wireless device is a wireless telephone (see abstract and column 3, lines 36-37).

7. As per claim 10, Frisk teaches a method for alerting a wireless device to a change in a credit account, the method comprising:

receiving an alert (see abstract, column 3, lines 16-25 and Figs. 3-10);

matching the alert to a wireless subscriber's account (see column 1, lines 5-7 and column 3, lines 16-25);

generating a message relating to the change in the credit account; and
transmitting the message to the wireless device see abstract and Figs. 3-10).

8. As per claim 11, Frisk teaches the method of claim 10 described above. Frisk further teaches wherein the wireless device is Wireless Application Protocol (WAP) enabled (see column 3, lines 60-64).

9. As per claim 18, Frisk teaches a system for alerting a wireless device to a change in a credit account, comprising:

means for receiving an alert (see abstract, column 3, lines 16-25 and Figs. 3-10);

means for matching the alert to a wireless subscriber's account (see abstract and Figs. 3-10);

means for generating a message relating to the change in the credit account (see abstract and Figs. 3-10); and

means for transmitting the message to the wireless device (see abstract and Figs. 3-10).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-5, 7-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisk, US Patent No.: 6,430,406 B1 (PTO-892 form A) in view of Dutta et al., US Pub. No.: 2002/0186845 A1 (PTO-892 form B).

12. As per claim 4, Frisk teaches the system of claim 3 described above. Dutta et al. further teaches wherein the gateway includes a push proxy (see Fig. 4 and ¶ 0008).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the gateway includes a push proxy feature to the credit alert system of Frisky because Dutta et al. teaches that adding the feature helps to control a security element of a mobile terminal for disabling and enabling access to secure functions of the mobile system (see ¶ 0008, page 9 and claim 32 of Dutta et al.).

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13. As per claim 5, Frisk and Dutta et al. teach the system of claim 4 described above. Dutta et al. further teaches wherein the gateway includes a WAP push proxy (see Fig. 4, ¶ 0008 and ¶ 0027).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the gateway includes a WAP push proxy feature to the system of Frisky and Dutta et al. because Dutta et al. teaches that adding the feature helps to control access to a security key in a security element (see ¶ 0008 and page 10, claim 42 of Dutta et al.).

14. As per claim 7, Frisk teaches the system of claim 1 described above. Dutta et al. further teaches where the wireless device is a personal digital assistant (see ¶ 0060).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a personal digital assistant feature to the credit alert system of Frisky because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (see ¶ 0007 of Dutta et al.).

15. As per claim 8, Frisk teaches the system of claim 1 described above. Dutta et al. further teaches where the wireless device is a pager (see ¶ 0060).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the wireless device is a pager feature to the credit alert system of Frisky because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication

functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (see ¶ 0007 of Dutta et al.).

16. As per claim 9, Frisk teaches the system of claim 1 described above. Dutta et al. further teaches where the wireless device is a portable computer having a wireless modem (see ¶ 0057 and ¶ 0060).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a portable computer having a wireless modem feature to the credit alert system of Frisky because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (see ¶ 0007 of Dutta et al.).

17. As per claim 12, Frisk teaches the method of claim 11 described above. Dutta et al. further teaches:

pushing the message via a WAP enabled push proxy gateway to the wireless device (see Fig. 4 and ¶ 0008).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add pushing the message via a WAP enabled push proxy gateway to the wireless device feature to the method of Frisky because Dutta et al. teaches that adding the feature helps to control a security element of a mobile terminal for disabling and enabling access to secure functions of the mobile system (see ¶ 0008, page 9 and claim 32 of Dutta et al.).

18. As per claim 13, Frisk and Dutta et al. teach a method of claim 12 described above. Dutta et al. further teaches where the message is a WAP push initiator (see Fig. 4 and ¶ 0008).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the message is a WAP push initiator feature to the method of Frisky and Dutta et al. because Dutta et al. teaches that adding the feature helps to control a security element of a mobile terminal for disabling and enabling access to secure functions of the mobile system (see ¶ 0008, page 9 and claim 32 of Dutta et al.).

19. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisk, US Patent No.: 6,430,406 B1 (PTO-892 form A) in view of Dutta et al., US Pub. No.: 2002/0186845 A1 (PTO-892 form B) further in view of Weatherly et al., US Patent No.: 6,023,687 (PTO-892 form C).

20. As per claim 14, Frisk and Dutta et al. teach the method of claim 13 described above. Weatherly et al. further teaches wherein the message is transmitted when the credit account exceeds a predetermined amount (see column 5, lines 43-51 and column 6, lines 49-62).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the message is transmitted when the credit account exceeds a predetermined amount feature to the method of Frisky and Dutta et al. because Weatherly et al. teaches that adding the feature helps to produce a credit assessment, determine the guaranty limit based on the credit assessment and create

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and produce the service product bearing the guaranty limit (see column 2, lines 59-64 of Weatherly et al.).

21. As per claim 15, Frisk and Dutta et al. teach the method of claim 13 described above. Weatherly further teaches wherein the message is transmitted upon nonreceipt of a credit payment (see column 6, line 55-column 7, line 5).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the message is transmitted upon nonreceipt of a credit payment feature to the method of Frisky and Dutta et al. because Weatherly et al. teaches that adding the feature helps to produce a credit assessment, determine the guaranty limit based on the credit assessment and create and produce the service product bearing the guaranty limit (see column 2, lines 59-64 of Weatherly et al.).

22. As per claim 16, Frisk and Dutta et al. teach the method of claim 13 wherein the message is transmitted upon the credit account's designation as past due (see column 6, line 55-column 7, line 5).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the message is transmitted upon the credit account's designation as past due feature to the method of Frisky and Dutta et al. because Weatherly et al. teaches that adding the feature helps to produce a credit assessment, determine the guaranty limit based on the credit assessment and create and produce the service product bearing the guaranty limit (see column 2, lines 59-64 of Weatherly et al.).

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23. As per claim 17, Frisk and Dutta et al. teach the method of claim 13 described above. Weatherly further teaches wherein the message is transmitted upon suspension of the credit account (see column 6, line 55-column 7, line 5).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the message is transmitted upon suspension of the credit account feature to the method of Frisky and Dutta et al. because Weatherly et al. teaches that adding the feature helps to produce a credit assessment, determine the guaranty limit based on the credit assessment and create and produce the service product bearing the guaranty limit (see column 2, lines 59-64 of Weatherly et al.).

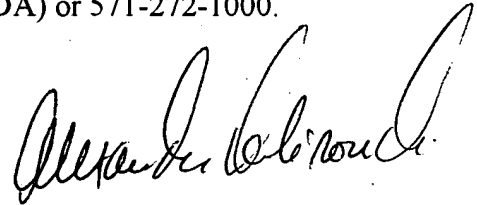
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on First Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick James Nolan can be reached on 571-270-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", written in a cursive style.

**ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER**